

Public Notice of Application for Permit

Regulatory Branch Post Office Box 3755 Seattle, Washington 98124-3755 Telephone (206) 764-3495

ATTN: Susan Glenn, Project Manager

Public Notice Date: November 15, 2004

Expiration Date: December 15, 2004

Reference: 200400592 Name: Edmonds, Port of

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of March 3, 1899, and Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT -

Port of Edmonds Mr. Chris Keuss 36 Admiral Way

Edmonds, Washington 98020 Telephone: (425) 774-7837

CO-APPLICANT - City of Edmonds

Mr. Don Fiene

121-5th Avenue North

Edmonds, Washington 98020 Telephone: (425) 771-0220

AGENT -

Anchor Environmental, L.L.C.

Ms. Lennie Rae Cooke

3914 Murphy Canyon Road, Suite A242

San Diego, California 92123 Telephone: (858) 292-2099

LOCATION - In Possession Sound at Port of Edmonds Marina near Edmonds, Snohomish County, Washington in Section 23, Township 27N, Range 3E.

WORK - The Port of Edmonds (Port) and the City of Edmonds (City) proposed to combine certain maintenance and rehabilitation activities at their facilities. The activities are combined as a single project to avoid construction conflicts between these closely located facilities for cost efficiency, and to reduce permitting agency efforts. The project will entail the following:

Port Project Activities

- a. Replace an existing timber seawall located on the north side of the marina.
- b. Replace an existing timber bulkhead with a steel sheet pile bulkhead.
- c. Dredge approximately 400 cubic yards of sediment inside the marina, see additional information section below.

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d. Complete maintenance activities to the mid-marina breakwater, including replacement of deteriorated and missing sections of timber planking and removing corrosion, replacing deteriorated coating on steel H-piles, sheet piles, and channel cap beams, and removing riprap from the seabed that has become dislodged from the main breakwater at the marina entrance and replacing it at it's original location.

City Project Activities

a. Relocate an existing deteriorated stormwater outfall from its current location outside the Port's seawall to a location inside the marina.

<u>PURPOSE</u> – To repair and rehabilitate the marina and to relocate a deteriorated stormwater outfall and provide better stormwater treatment.

PUGET SOUND DREDGED DISPOSAL ANALYSIS (PSDDA) -

- a. <u>Dredged Material Testing</u>: This project has been evaluated according to the guidelines specified in PSDDA, a multi-agency program for the evaluation of dredged material proposed for disposal at open-water sites in Puget Sound. Under PSDDA guidelines, very small dredging projects in generally uncontaminated areas provide little reason to believe that unacceptable adverse effects are possible, and are, therefore, exempt from testing. The dredging volume for this project falls below that which would trigger sediment testing (1000 cubic yards in a "moderate-ranked" area). The PSDDA agencies approved the dredged material for unconfined open-water disposal at the PSDDA nondispersive site in Elliott Bay.
- b. <u>Disposal Site Use Conditions</u>: The following standard site use conditions will be specified by the U. S. Army Corps of Engineers (Corps) and the Washington Department of Natural Resources as part of the Federal/State permitting processes: (1) during the periods of tribal fishing in the disposal site area, disposal will only occur during daylight hours; and (2) during the daylight hours, "navigation rules of the road" will apply to the dredger in the event Indian treaty fishing is occurring at the disposal site. The dredger's permit will state that disposal is to occur when there is no treaty fishing occurring at the disposal site. Other appropriate special conditions may be added as a result of comments received during the public review period for this public notice.

<u>ADDITIONAL INFORMATION</u> – Due to the limited access to the work area and requirement for potentially specialized dredging equipment and approach, two dredging options are proposed and the most economical of the two based on contractor bid prices will be implemented. The options are as follows; 1) a method that allows for in-water dredge material disposal, and 2) upland disposal option.

The in-water disposal option requires that dredged material be loaded onto a hopper barge. A small hydraulic dredge will be used to pump the dredged material through a hose. The hose would extend to the barge, which would be located in sufficiently deep water so that it would not ground at low tides. One barge load should be adequate to receive all of the dredged material and water generated in the hydraulic dredging option. The material to be dredged has been approved for open-water disposal.

The upland disposal option will involve a clamshell bucket and a crane working from a temporary construction trestle to load dredged material into a dump truck. The dredged material will be dewatered in a dewatering cell constructed to capture and treat the water prior to disposal. The dewatered material will be tested to determine potential beneficial reuse as construction fill or whether it must be sent to a permitted landfill.

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ENDANGERED SPECIES – Puget Sound chinook salmon (*Oncorhynchus tshawytscha*), listed threatened; Coastal/Puget Sound bull trout (*Salvelinus confluentus*), listed threatened; Hood Canal summer chum (*Oncorhynchus keta*), list threatened; Stellar sea lion (*Eumtopias jubatus*), listed threatened and marbled murrelet (*Brachyramphus marmoratus*), listed threatened occur in the proposed project area.

A preliminary determination indicates that the activity "may affect, but is not likely to adversely affect Puget Sound chinook salmon, Coastal/Puget Sound bull trout, and bald eagles, Hood Canal summer chum, Stellar sea lion, and marbled murrelet, which are all listed endangered or threatened under the Endangered Species Act of 1973 (ESA). Informal consultation was initiated with the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) on September 3, 2004.

ESSENTIAL FISH HABITAT - The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The Corps has determined that the proposal would not adversely affect EFH for federally managed fisheries in Washington waters. No further EFH consultation is necessary.

<u>CULTURAL RESOURCES</u> - The District Engineer (DE) has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

There are no recorded historic properties within the permit area. The permit area has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property.

The DE invites responses to this public notice from Native American Nations or tribal governments, Federal, State, and local agencies, historical and archeological societies, and other parties likely to have knowledge of or concerns with historic properties in the area.

<u>PUBLIC HEARING</u> - Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

<u>EVALUATION</u> - The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used

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in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. This evaluation will include an alternatives analysis.

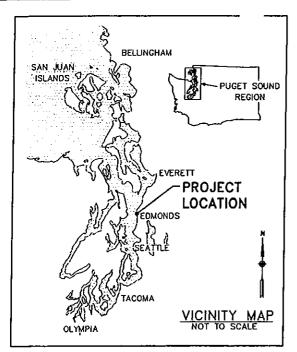
<u>ADDITIONAL EVALUATION</u> - The State of Washington (State) is reviewing this work for consistency with the approved Washington Coastal Zone Management Program and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

This proposal is the subject of Shorelines Substantial Development Permit No. SM-04-88, being processed by the City.

COMMENT AND REVIEW PERIOD – Conventional mail or email comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, email comments must originate from the author's email account and must include on the subject line of the email message the permit applicant's name and reference number as shown below. All email comments should be sent to Susan.S.Glenn@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington 98124-3755. Both conventional mail or email comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or email must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

Edmonds, Port of 200400592

Encl Drawings (18)

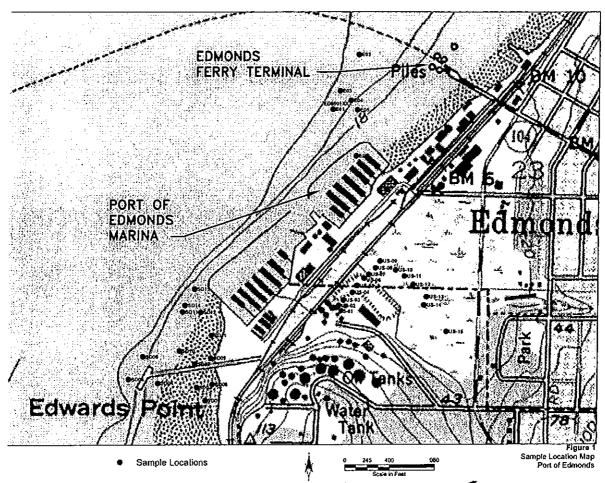


LEGAL DESCRIPTION

THAT PORTION OF GOVERNMENT LOT 3, SECTION 23, TOWNSHIP 27 NORTH RANGE 3 EAST, WILLAMETTE MERIDIAN, IN SNOHOMISH COUNTY, WASHINGTON, AND OF TIDELANDS ADJOINING DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 23 WITH THE WEST MARGIN OF ADMIRAL WAY, THENCE N14D 48' 00"E ALONG SAID WEST MARGIN TO THE SOUTHERLY MARGIN OF DAYTON STREET; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY MARGIN AND THE EXTENSION THEREOF TO THE INNER HARBOR LINE; THENCE S44D 58' 30"W ALONG SAID INNER HARBOR LINE TO THE SOUTH LINE OF SAID SECTION; THENCE EASTERLY ALONG SAID SOUTH SECTION LINE TO THE POINT OF BEGINNING.

EDMONDS (LAT 47°42'N, LONG 122°23'W) TIDAL INFORMATION

MEAN HIGHER HIGH WATER (MHHW)	+10.9
MEAN HIGH WATER (MHW)	+10.0
MEAN LOWER LOW WATER (MLLW)	0.0
EXTREME LOW WATER (ELW)	-4.5



PURPOSE: Protect Private & Port Properties; Replace Failed Outfall; Perform Maintenance on Marina Breakwater

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

1) ESC Associates

2) Union Oil Co.

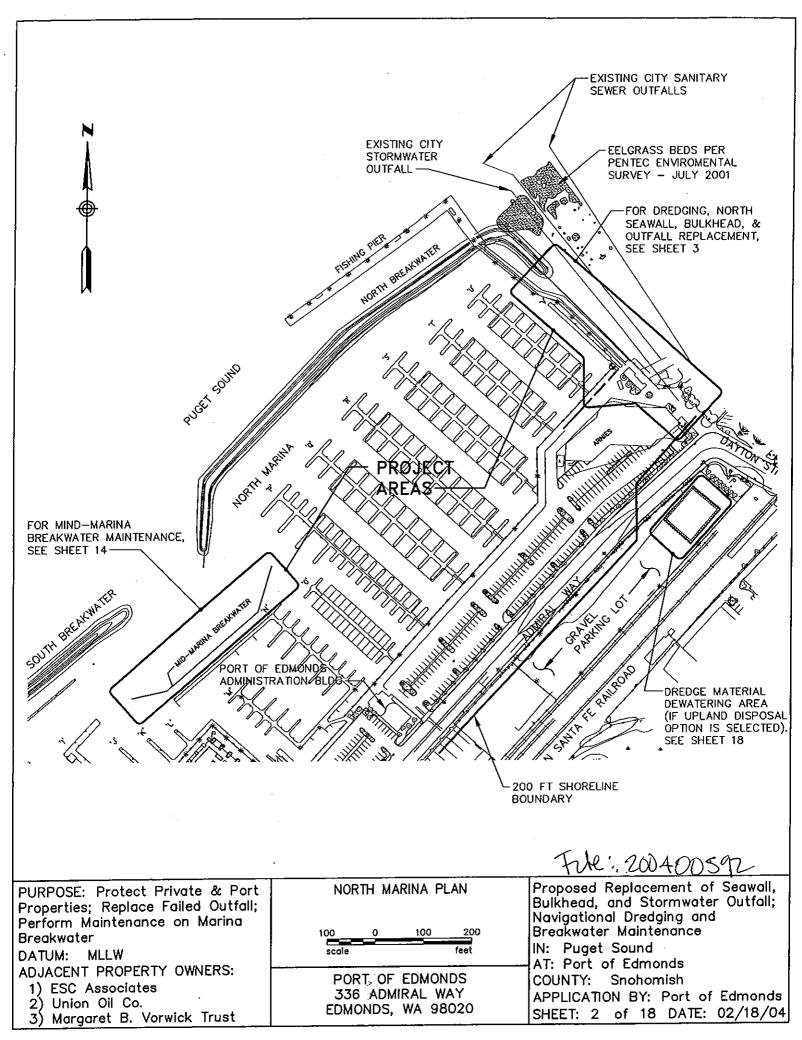
3) Margaret B. Vorwick Trust

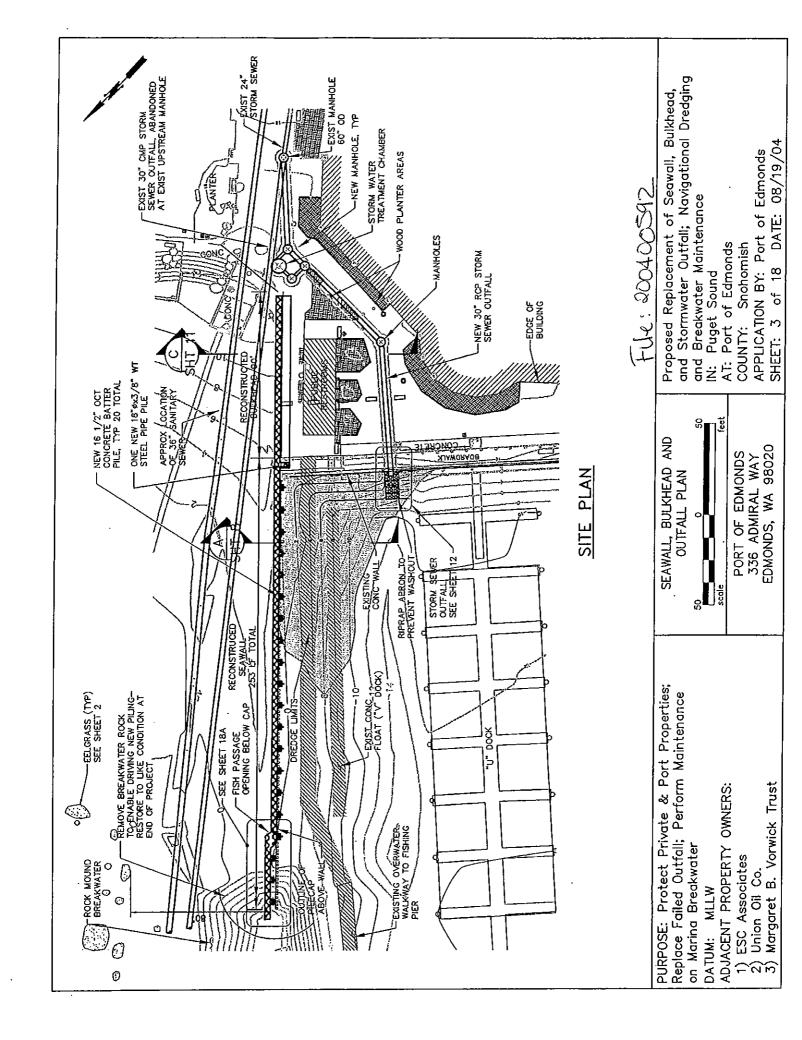
LOCATION PLAN NOT TO SCALE

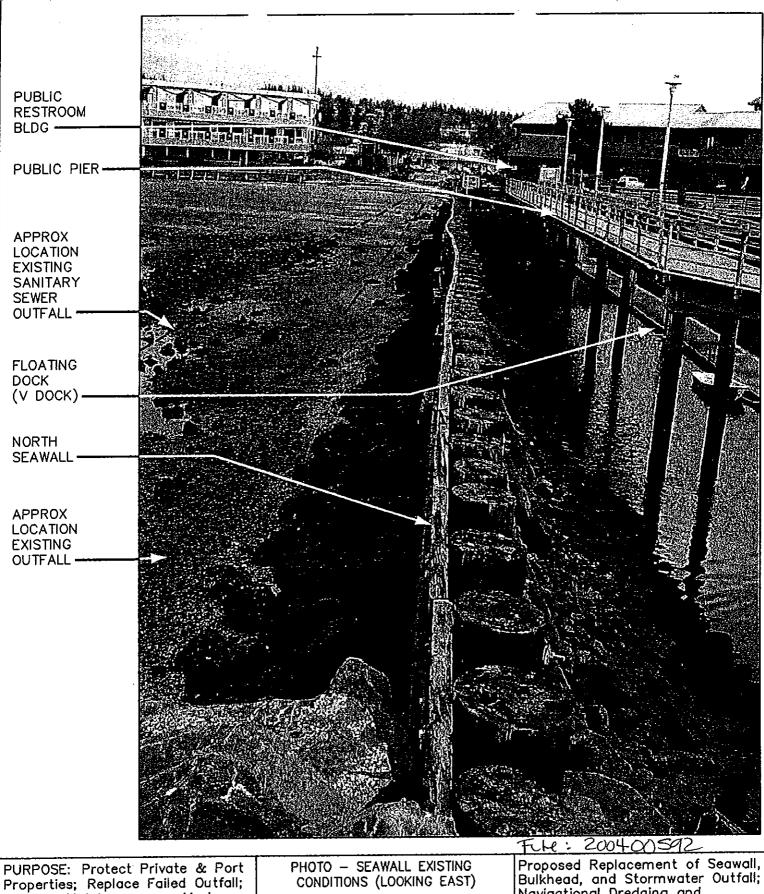
PORT OF EDMONDS 336 ADMIRAL WAY EDMONDS, WA 98020 Proposed Replacement of Seawall, Bulkhead, and Stormwater Outfall; Navigational Dredging and Breakwater Maintenance

IN: Puget Sound AT: Port of Edmonds COUNTY: Snohomish

APPLICATION BY: Port of Edmonds SHEET: 1 of 18 DATE: 02/18/04







Perform Maintenance on Marina Breakwater

MLLW DATUM:

ADJACENT PROPERTY OWNERS:

1) ESC Associates

2) Union Oil Co.

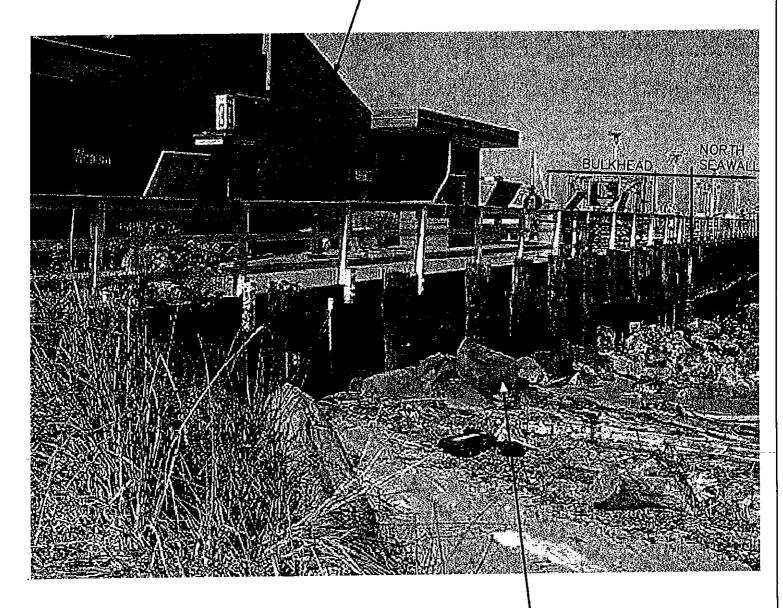
3) Margaret B. Vorwick Trust

PORT OF EDMONDS 336 ADMIRAL WAY EDMONDS, WA 98020 Navigational Dredging and Breakwater Maintenance

IN: Puget Sound AT: Port of Edmonds Snohomish COUNTY:

APPLICATION BY: Port of Edmonds SHEET: 4 of 18 DATE: 02/18/04

PUBLIC RESTROOM BLDG



EXISTING RIPRAP

Tue: 200400592

PURPOSE: Protect Private & Port Properties; Replace Failed Outfall; Perform Maintenance on Marina

Breakwater

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

- 1) ESC Associates 2) Union Oil Co.
- 3) Margaret B. Vorwick Trust

PHOTO - BULKHEAD EXISTING CONDITIONS

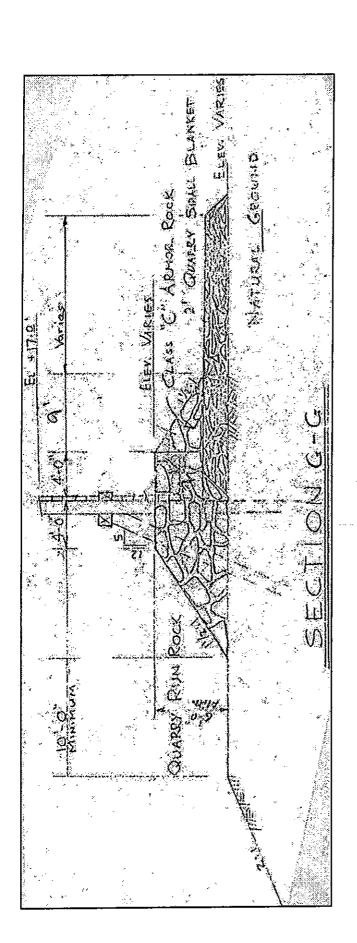
> PORT OF EDMONDS 336 ADMIRAL WAY EDMONDS, WA 98020

Proposed Replacement of Seawall, Bulkhead, and Stormwater Outfall; Navigational Dredging and

Breakwater Maintenance

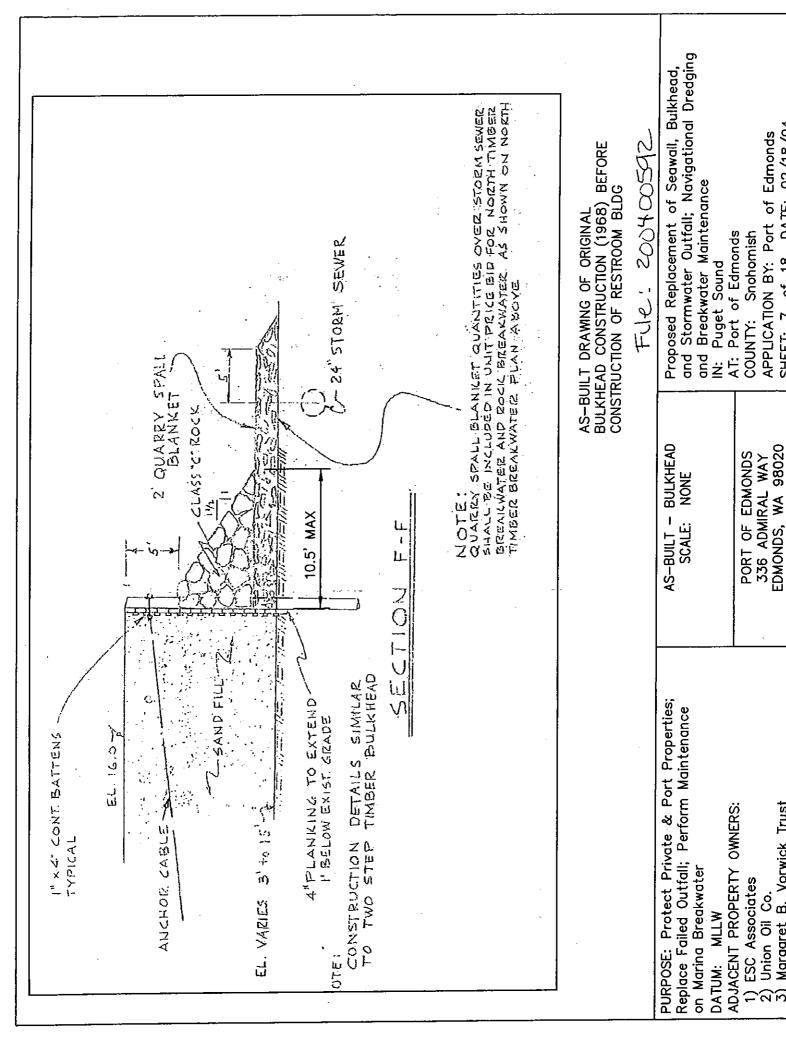
IN: Puget Sound AT: Port of Edmonds COUNTY: Snohomish

APPLICATION BY: Port of Edmonds SHEET: 5 of 18 DATE: 02/18/04



AS-BUILT DRAWING OF ORIGINAL SEAWALL CONSTRUCTION (1968) BEFORE CONSTRUCTION OF PUBLIC PIER

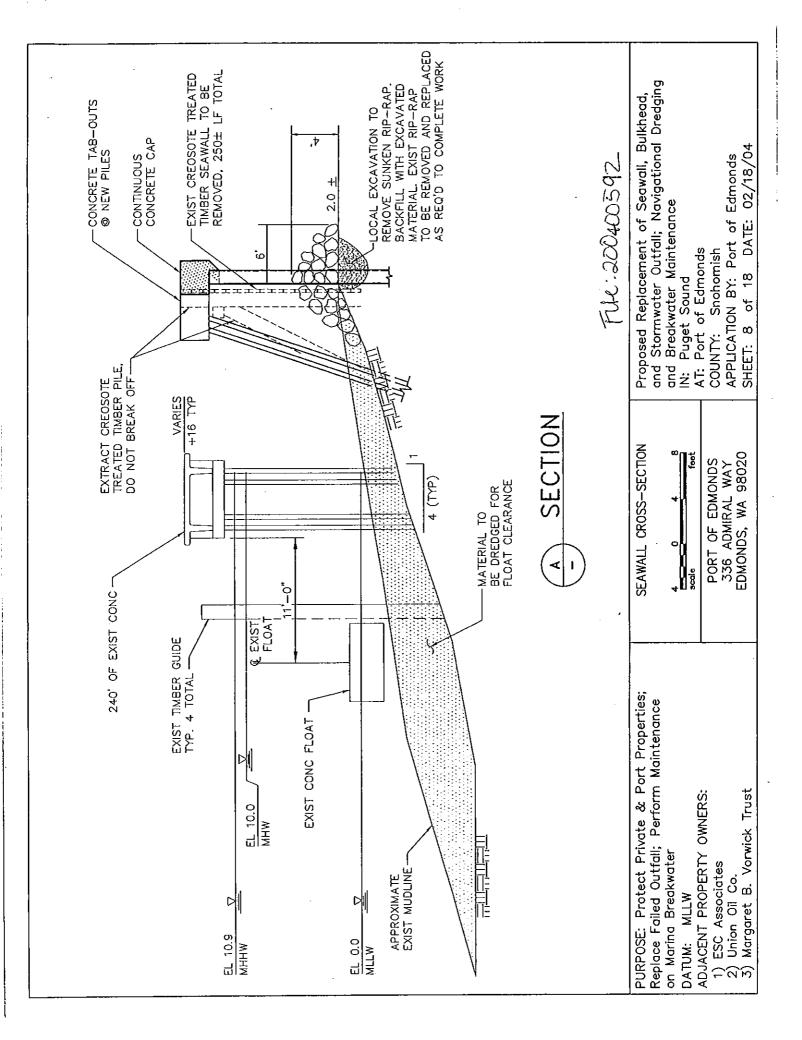
FUR: 2004005912	Programmer Arich A		
	AS-BUILT - ORIGINAL CONSTRUCTION NORTH SEAWALL	SCALE: NONE	PORT OF EDMONDS 336 ADMIRAL WAY EDMONDS, WA 98020
	PURPOSE: Protect Private & Port Properties; Replace Failed Outfall; Perform Maintenance on Marina Breakwater DATUM: MLLW ADJACENT PROPERTY OWNERS: 1) ESC Associates 2) Union Oil Co. 3) Margaret B. Vorwick Trust		

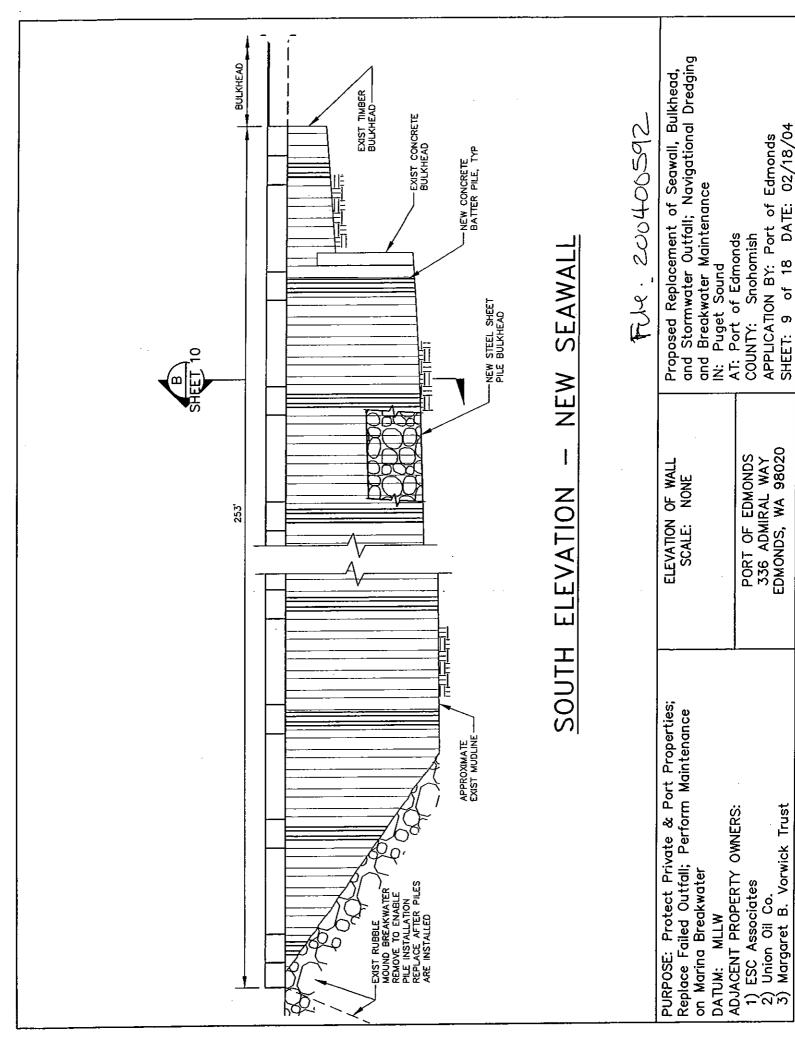


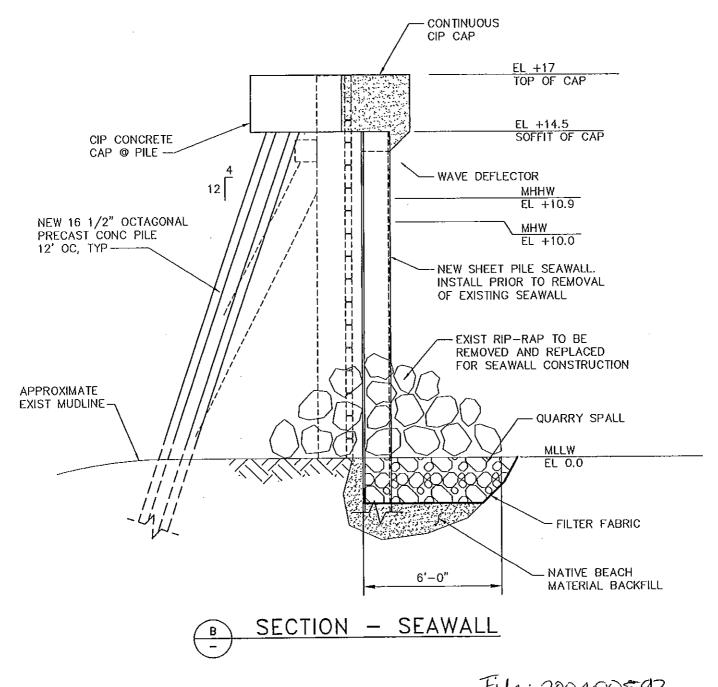
DATE: 02/18/04

SHEET: 7 of 18

Margaret B. Vorwick Trust





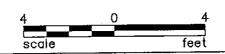


PURPOSE: Protect Private & Port Properties; Replace Failed Outfall; Perform Maintenance on Marina Breakwater DATUM: MLLW

ADJACENT PROPERTY OWNERS:

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SECTION - SEAWALL

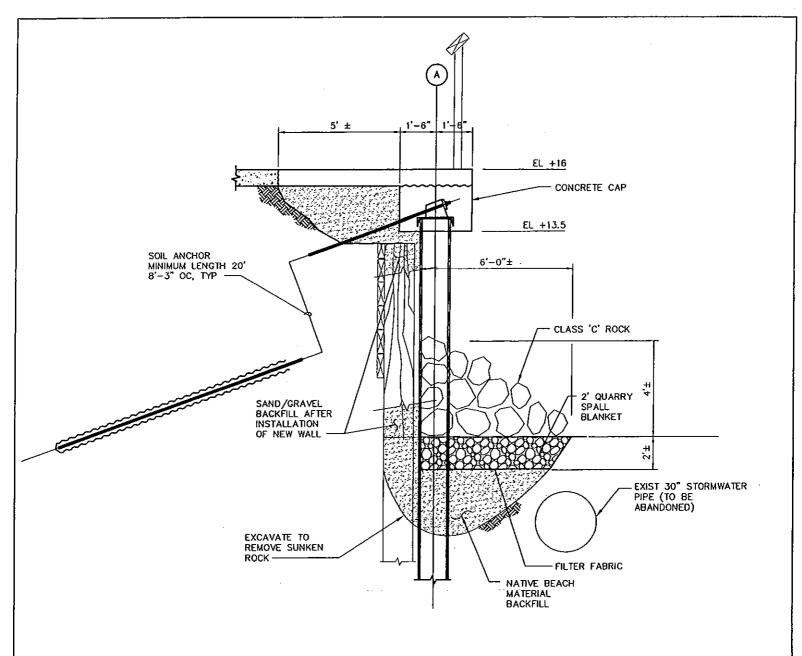


PORT OF EDMONDS 336 ADMIRAL WAY EDMONDS, WA 98020 File: 200400592

Proposed Replacement of Seawall, Bulkhead, and Stormwater Outfall; Navigational Dredging and Breakwater Maintenance

IN: Puget Sound AT: Port of Edmonds COUNTY: Snohomish

APPLICATION BY: Port of Edmonds SHEET: 10 of 18 DATE: 02/18/04



SECTION - BULKHEAD

Fule: 200400592

PURPOSE: Protect Private & Port Properties; Replace Failed Outfall; Perform Maintenance on Marina Breakwater

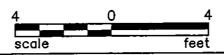
DATUM: MLLW

ADJACENT PROPERTY OWNERS:

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3) Margaret B. Vorwick Trust

SECTION - BULKHEAD

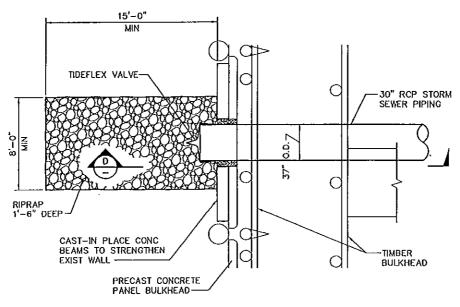


PORT OF EDMONDS 336 ADMIRAL WAY EDMONDS, WA 98020 Proposed Replacement of Seawall, Bulkhead, and Stormwater Outfall; Navigational Dredging and Breakwater Maintenance

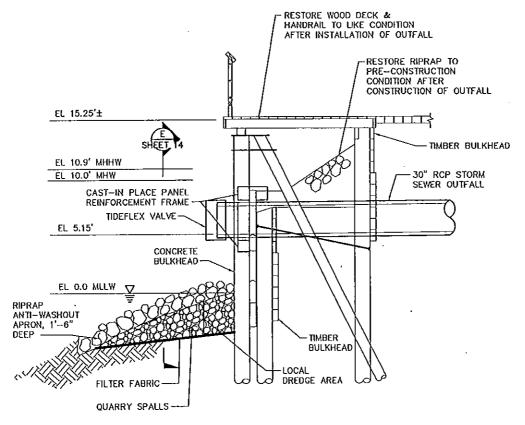
IN: Puget Sound AT: Port of Edmonds COUNTY: Snohomish

APPLICATION BY: Port of Edmonds

SHEET: 11 of 18 DATE: 02/18/04



OUTFALL PLAN



SECTION - STORM SEWER OUTFALL FUE: 200400592

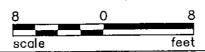
PURPOSE: Protect Private & Port Properties; Replace Failed Outfall; Perform Maintenance on Marina Breakwater

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

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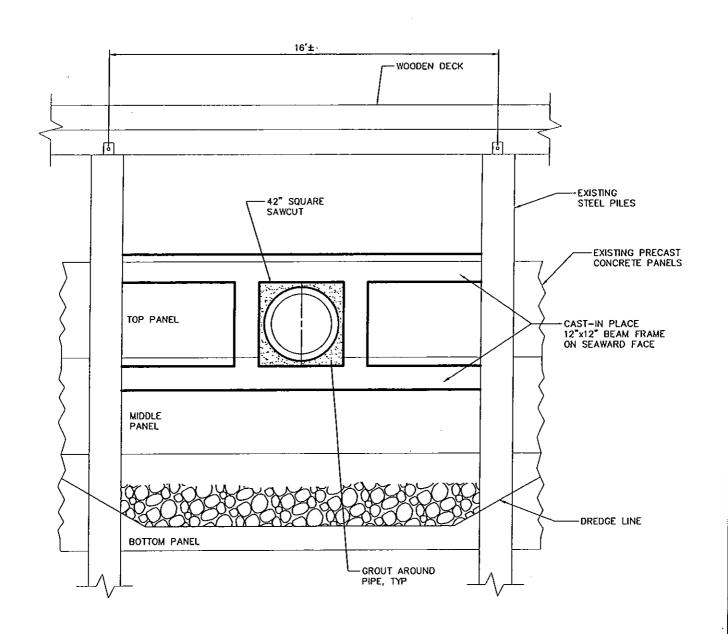
OUTFALL BULKHEAD PENETRATION



PORT OF EDMONDS 336 ADMIRAL WAY EDMONDS, WA 98020 Proposed Replacement of Seawall, Bulkhead, and Stormwater Outfall; Navigational Dredging and Breakwater Maintenance

IN: Puget Sound
AT: Port of Edmonds
COUNTY: Snohomish

APPLICATION BY: Port of Edmonds SHEET: 12 of 18 DATE: 02/18/04



OUTFALL ELEVATION: LOOKING EAST

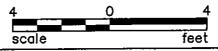
PURPOSE: Protect Private & Port Properties; Replace Failed Outfall; Perform Maintenance on Marina Breakwater

DATUM: MLLW

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OUTFALL ELEVATION



PORT OF EDMONDS 336 ADMIRAL WAY EDMONDS, WA 98020

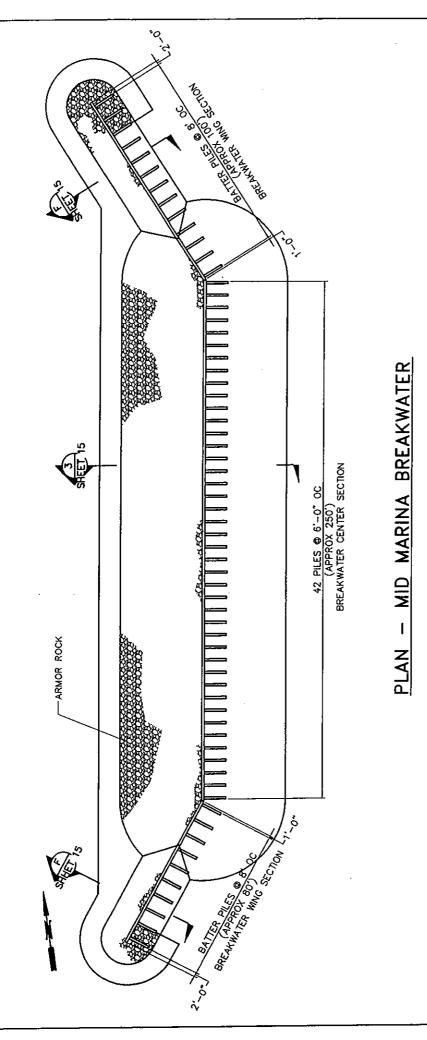
Fue: 200400592

Proposed Replacement of Seawall, Bulkhead, and Stormwater Outfall; Navigational Dredging and Breakwater Maintenance

IN: Puget Sound

AT: Port of Edmonds COUNTY: Snohomish

APPLICATION BY: Port of Edmonds SHEET: 13 of 18 DATE: 02/18/04



FUM: 200400592

PURPOSE: Protect Private & Port Properties; Replace Failed Outfall; Perform Maintenance

ESC Associates
 Union Oil Co.
 Margaret B. Vorwick Trust

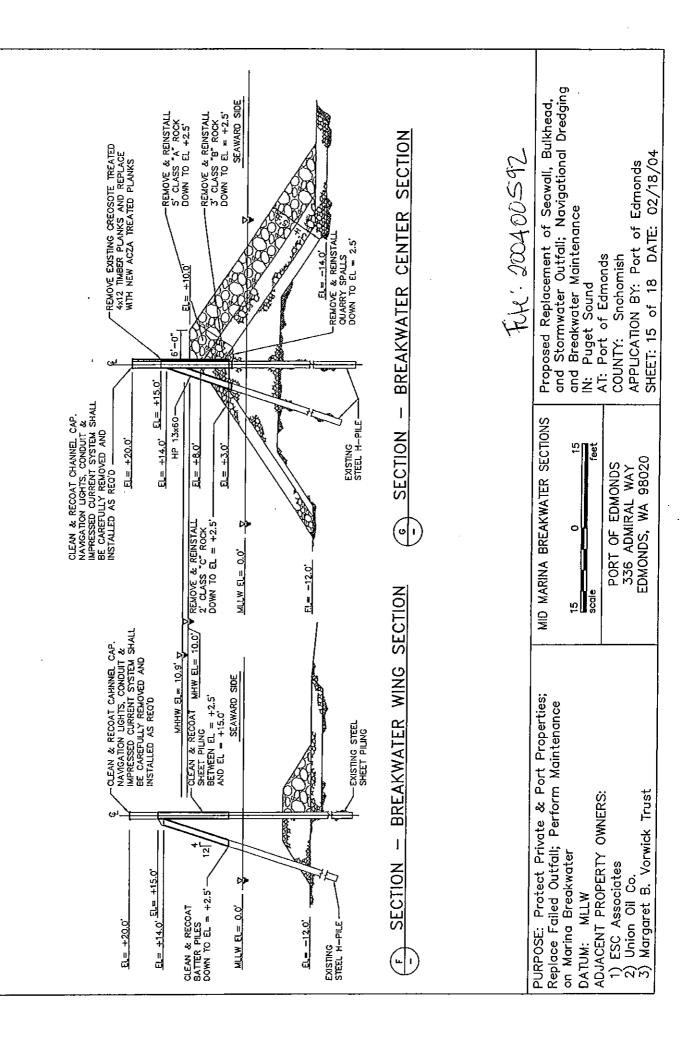
ADJACENT PROPERTY OWNERS:

on Marina Breakwater

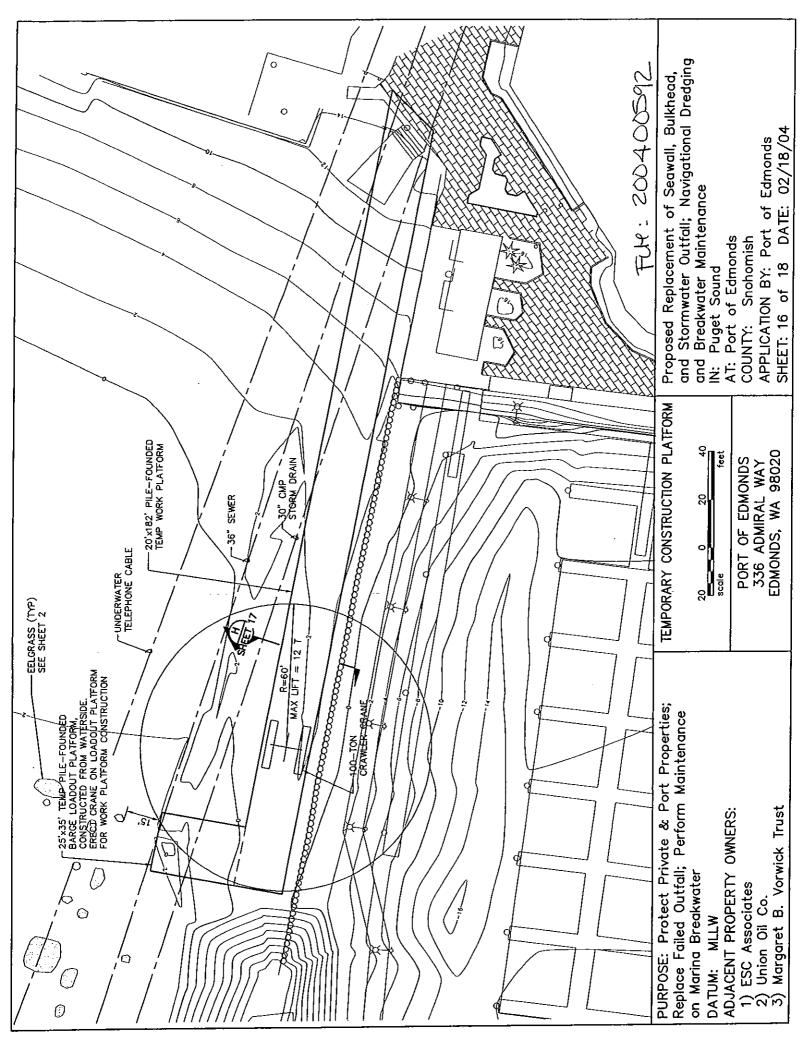
DATUM: MLLW

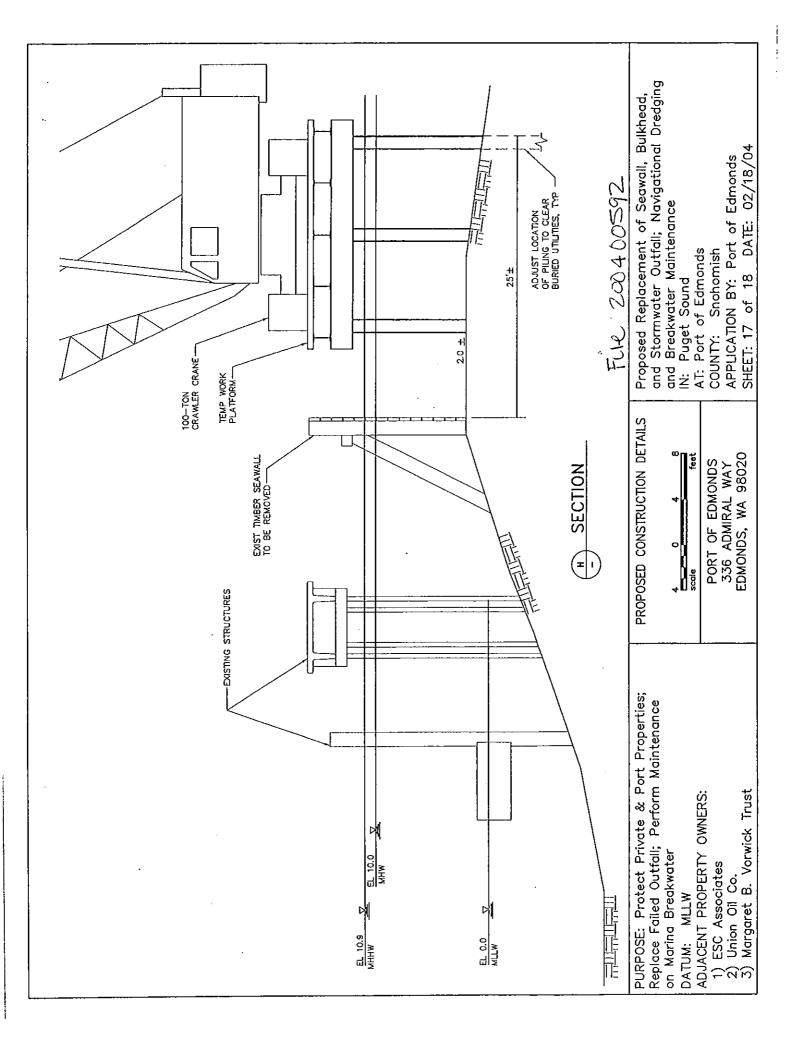
Proposed Replacement of Seawall, Bulkhead, COUNTY: Snohomish SHEET: 14 of 18 MID-MARINA BREAKWATER PLAN SCALE: NONE PORT OF EDMONDS 336 ADMIRAL WAY EDMONDS, WA 98020

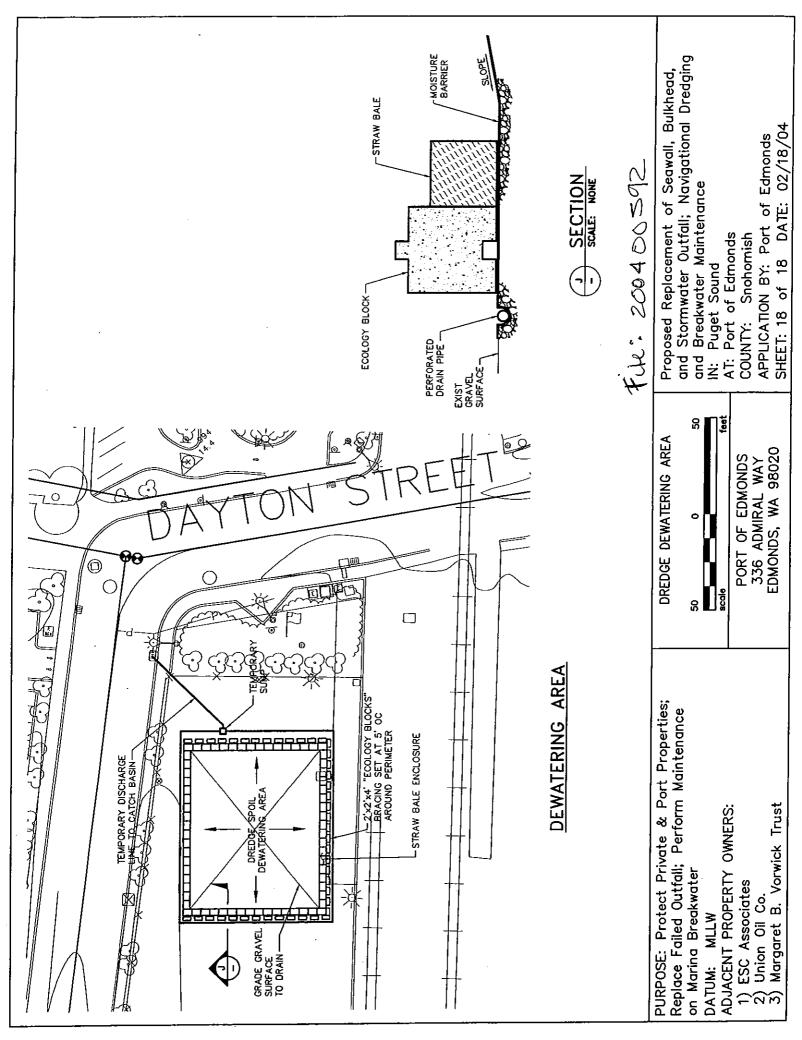
and Stormwater Outfall; Navigational Dredging DATE: 02/18/04 APPLICATION BY: Port of Edmonds and Breakwater Maintenance IN: Puget Sound AT: Port of Edmonds

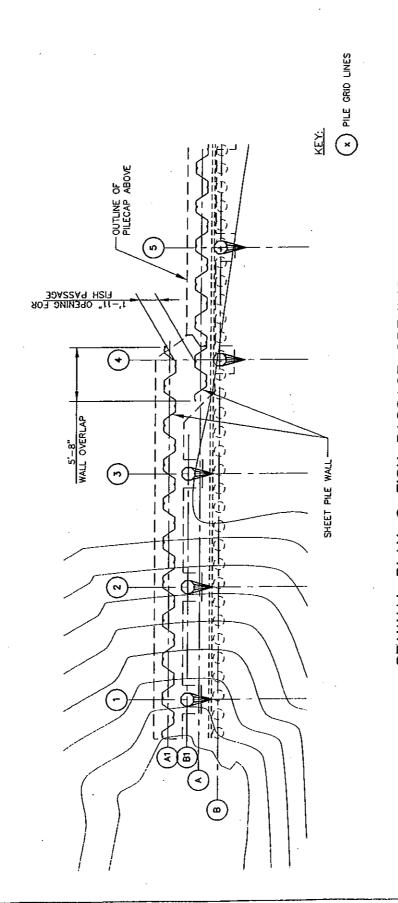


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SEAWALL PLAN @ FISH PASSAGE OPENING

PURPOSE: Protect Private & Port Properties; Replace Failed Outfall; Perform Maintenance ESC Associates
 Union Oil Co.
 Margaret B. Vorwick Trust ADJACENT PROPERTY OWNERS:

on Marina Breakwater

DATUM: MLLW

FUR: 200400592 COUNTY: SEAWALL FISH PASSAGE OPENING EDMONDS, WA 98020 PORT OF EDMONDS 336 ADMIRAL WAY

and Stormwater Outfall; Navigational Dredging Proposed Replacement of Seawall, Bulkhead, SHEET: 18A of 18A DATE: 08/19/04 APPLICATION BY: Port of Edmonds and Breakwater Maintenance IN: Puget Sound AT: Port of Edmonds Snohomish



STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600 (360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

Notice of Application for
Water Quality Certification
and for
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: November 15, 2004

Notice is herby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200400592 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is herby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator Department of Ecology SEA Program Post Office Box 47600 Olympia, Washington 98504-7600